

**New Jersey State Board of Education
Minutes of the Regular Monthly Meeting
in the Conference Room on the First Floor,
100 River View Executive Plaza
Trenton, NJ**

November 3, 2004

Presiding: Arnold G. Hyndman, Ph.D., President

Secretary: William L. Librera, Ed.D., Commissioner

PRESENT CONSTITUTING A QUORUM

Ms. Margaret F. Bartlett
Ms. Debra Casha
Ms. Maud Dahme
Ms. Kathleen A. Dietz
Ms. Josephine E. Figueras
Mr. John A. Griffith
Dr. Thelma Napoleon-Smith
Mr. Samuel J. Podietz
Mrs. Roberta Van Anda

ABSENT

Dr. Ronald K. Butcher
Mrs. Anne S. Dillman
Mr. Edward M. Taylor

CONVENING

Arnold G. Hyndman, president, State Board of Education, convened the public meeting with the reading of the resolution pertaining to the public session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, the New Jersey Open Public Meetings Act was enacted to insure the right of the public to have advance notice of and to attend the meeting of public bodies at which any business affecting their interest is discussed or acted upon, and

WHEREAS, in accordance with the provisions of this act, the State Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted in the Department of Education, Secretary of State's Office and notice also having been given to the State House Press Corps, the Governor's Office and the state board agenda subscribers, now therefore be it

RESOLVED, that by adopting this resolution the State Board of Education states its intention to convene a public meeting to conduct the state's business on November 3, 2004.

ADJOURN TO EXECUTIVE SESSION

President Hyndman then read the resolution pertaining to the executive session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, in order to protect the personal privacy and to avoid situations wherein the public interest might be disserved, the Open Public Meetings Act permits public bodies to exclude the public from that portion of a meeting at which certain matters are discussed, now therefore be it

RESOLVED, that consistent with the provision of *NJSA* 10:4-12(b), the State Board of Education will now adjourn to executive session to discuss personnel matters.

The State Board immediately adjourned to executive session.

RECONVENING

President Hyndman reconvened the public meeting with the reading of the resolution pertaining to the resumption of the public session of the State Board meeting as it complies with the Open Public Meetings Act.

WHEREAS, consistent with the provision of *NJSA* 10:4-12(b), the State Board will now adjourn from executive session to resume the open session of this meeting.

STUDENT SPEAKERS

Katie Wright, the 2004 student representative to the State Board of Education and a junior from Shawnee High School (Burlington County) spoke to the State Board about a Leadership Training Conference sponsored by the New Jersey Association of Student Councils (NJASC). Katie stated that the conference is a two-day program that brings together middle and high school student leaders throughout the state to participate in sessions designed to enhance student leadership skills. She further stated that she attributes her skills as a leader to her annual attendance at the conference.

Katie then introduced the student guest speakers.


Christine McGuire, a student from Washington Township High School (Gloucester County), spoke to the State Board about a program called *Freedom's Answer*, which is a nonpartisan program educate students on the importance of voting. She stated that *Freedom's Answer* was originally designed as a way for high school students to be a part of the response to the September 11th terrorist attacks. She also stated that students, who are a part of this program, are asked to vote to honor the servicemen and women who have risked their lives for our freedom.

Kasey Gorman, a student from Gloucester City Junior/Senior High School (Camden County), spoke to the State Board about her high school. She stated that her small school has a close-knit community of students, faculty, and administrators, who make the building feel like an extension of home rather than just a place of instruction. She also stated that the results of last year's state assessments revealed that the high school attained the proficiency benchmarks established by the "No Child Left Behind" legislation. She further stated that her school provides opportunities to

students including Advanced Placement classes and a 21st Century Community Learning Center, which offers SAT preparations classes and after-school tutoring.

President Hyndman, on behalf of the State Board, thanked the student speakers for their presentations.

INTRODUCTIONS

Commissioner Librera recognized Aaron Graham, Bergen County Superintendent of Schools, who represented the county superintendents. Dr. Graham has served in this position since ember 2003.

Student Recognition Program

The State Board recognized Stephen Castano, a 7th grade student from Roy W. Brown Middle School (Bergen County), as a part of its monthly recognition program designed to honor a student or a group of students who have made a significant contribution to school, community, family or other groups.

The State Board recognized Stephen for his outstanding academic achievement and for serving as an inspiration to his peers and community. Stephen was born with Morquio Syndrome, which stunts physical growth and causes other ailments, but does not stunt the growth of organs. Despite this condition, Stephen has developed excellent academic skills and is eager to learn. He has a cheerful personality and a level of enthusiastic friendliness that know no boundaries.

On behalf of the State Board, President Hyndman congratulated Stephen for his excellent academic success despite setbacks and for the high level of respect he has displayed towards others and earned as a student, friend and peer.

APPROVAL OF MINUTES OF THE MEETINGS

On a motion duly seconded and carried, the State Board members approved the minutes of the meetings conducted on October 1, 2004. State Board members Margaret Bartlett and John Griffith abstained.

PRESIDENT'S REPORT

School Districts Operation Code

President Hyndman stated that the Department's request to delay adoption of *NJAC* 6A:32, School Districts Operations would be granted. The proposal level regulations were scheduled for adoption at the December 1, 2004 State Board public meeting. President Hyndman stated that he is referring the matter to the State Board Legislative/Administrative Code committee for further consideration. He also stated that the committee should report its recommendations regarding this matter to the full State Board prior to taking further action regarding this code .

Nonpublic Teacher of the Year

President Hyndman stated that on October 14, 2004, he attended the 12th Annual Nonpublic School Teacher of the Year recognition ceremony at the New Jersey Department of Education. He stated that the 2004 nonpublic school teacher of the year is Christine Sullivan. Christine is currently a teacher of English at DePaul Catholic High School in Wayne, NJ. She has been teaching for 25 years. She is responsible for creating several unique projects that serve to energize both her colleagues as well as to excite students about the importance and appreciation both the English language and literature.

President Hyndman also stated that Christine Clements, an English and history teacher at Kent Place School in Summit, NJ and Dorothy Horn of Larks School in Belmar, NJ, a physical education teacher were also recognized as finalists at the ceremony.

National Association of State Boards of Education Annual Conference (NASBE)

President Hyndman stated that four State Board members had an opportunity to attend the National Association of State Boards of Education (NASBE) Conference from October 20-22, 2004 in Orlando, Florida. State Board members Debra Casha, Maud Dahme, John Griffith and Roberta Van Anda attended the conference. Additionally, Erika Leak and Roslynne Novack attended the NASBE affiliate conferences of the National Council of State Boards of Education Executives and the National Council of State Education Attorneys (NCOSEA), respectively.

Vice President Casha provided reports on the NASBE Conference and the NCOSEA Conference. The title of the conference was Higher Goals, Higher Achievements--A Vision for Every Child. State board member John Griffith provided a brief report from the high school athletics sub-committee. Mr Griffith stated that he would provide a more detailed report of the study group's findings at a future State Board meeting. State board member Maud Dahme provided a report from one of the topical breakfasts that was held at the conference regarding migrant education.

Policy Symposium on Abstinence Education and HIV Prevention

State Board member Roberta Van Anda provided a report on the Policy Symposium on Abstinence Education and HIV Prevention. The symposium was held on October 19 in Orlando, Florida just prior to the NASBE conference. Mrs. Van Anda stated that state board members from 21 states attended the symposium. The idea for this symposium resulted from an ongoing dialogue between NASBE and the Center for Disease Control. The agenda and participants reflected the range of curriculum and instruction regarding sex education. Mrs. Van Anda suggested that New Jersey start using the "Youth Risk Behavior Surveillance System," which is an anonymous questionnaire which has been administered to 9th to 12th grade students in 18 major cities in 32 states. The data from previously administered surveys showed that 46.7 % of high school students are engaging in sexual activity.

New Jersey School Boards Association Annual Workshop

President Hyndman stated that three State Board members attended the New Jersey School Boards Association Annual Workshop from October 20-22, 2004 in Atlantic City, NJ. President Hyndman stated that he along with State Board members Anne Dillman and Ronald Butcher

represented the State Board at this annual event. He stated that the keynote speaker at the Urban Board Luncheon was Mr. Joseph Maccia, principal, Anne Street Elementary School, Newark, NJ. At the Anne Street Elementary School, a National Blue Ribbon School of Excellence, approximately 95 percent of the students scored proficient or advanced proficient on last year's state assessments. President Hyndman stated that Mr. Maccia spoke on practical applications and best practices for success. Additionally, President Hyndman stated that the state board members participated in a question and answer session. He stated that the majority of concerns presented to the State Board panel during the session pertained to recently adopted legislation, which addresses spending limits for school districts. .

International Education Summit

State Board Member Kathy Dietz provided a report on the International Education Summit which was held on October 20 at Princeton University in Princeton, NJ. Ms. Dietz served as chair of the steering committee to plan this event. President Arnold Hyndman, Vice president Debra Casha and State Board member Maud Dahme also attended. The summit provided an opportunity for members of the business and education communities to engage in a dialogue on how to prepare students for the challenges of the increasingly global workforce. Ms. Dietz stated that the goal of the summit was to present the reasons why international education is so important. The International Education committee has begun to develop a 5-year plan present to the State Board and the Department. The goal of this plan is to infuse international education in all programs in New Jersey schools.

Ms. Dietz thanked Janis Jensen, world languages coordinator, for her efforts in planning this event.

State Action Education Leadership Program

State Board member Maud Dahme presented a report on the first statewide planning meeting of the State Action Education Leadership Program (SAELP). New Jersey was one of 15 states awarded a new 3-year \$600,000 SAELP grant. This new grant will support efforts to implement policies initiated in the first 3-year grant cycle as well as deepen the reform work to strengthen school leadership in New Jersey. In SAELP I, a state consortium comprised of key stakeholders recommended key policies across the continuum of professional practice that resulted in legislation and regulatory changes supporting a new vision of school leaders as instructional leaders focused on teaching and learning. SAELP II will build on these reforms supporting the state's efforts to implement standards-based reform across the continuum of practice from pre-service training through professional training. In addition, New Jersey will continue the work begun in SAELP I to examine ways to improve the conditions of practice for school leaders so important to their recruitment and retention. An important upcoming SAELP event will be a New York Times sponsored town meeting on school governance. New Jersey was selected by the Wallace Foundation and the New York Times to hold a town meeting because of the innovative work being done in New Jersey in key areas of school leadership policy.

Student Artwork in the Meeting Room

President Hyndman acknowledged the new art exhibit on display in the first floor conference room provided by the Barlow Middle School in Freehold Township.

November Work Session and Public Testimony Session

President Hyndman stated that the November work session will be held on November 17, 2004 at 1:00 p.m. at the Department of Education. The items for consideration will be the Entitlement Web-Enabled Grant Application (EWEG) and the Professional Development Study.

President Hyndman also stated that the November public testimony session will be held on November 17, 2004 at 3:00 p.m. He stated that the scheduled topics will be Readoption with Amendments to *NJAC* 6A:3, Controversies and Disputes, Amendments to *NJAC* 6A:17, Students at Risk of Not Receiving a Public Education, Readoption with Amendments to *NJAC* 6A:27, Student Transportation, Amendments to *NJAC* 6:30, Adult Education, Readoption with Amendments to *NJAC* 6A:21, Marie H. Katzenbach School for the Deaf, Amendments to *NJAC* 6A:9, Professional Licensure and Standards, and Readoption with Amendments to *NJAC* 6A:8, Standards and Assessment.

ITEMS FOR CONSIDERATION:

On motions duly seconded and carried, the State Board of Education took the following action:

A. Appointments

- There were no appointments.

B. Certification of Districts

- Certified for a period of seven years, the following districts pursuant to the Public School Education Act of 1975, *NJAC* 6A:30, Evaluation of the Performance of School Districts, and the *Manual for Evaluation of Local School Districts*.

| Cape May County | Ocean County |
|---|-----------------------|
| Dennis Township (previously certified with conditions) | Toms River Regional |
| Essex County | Passaic County |
| Bloomfield | Prospect Park |

C. Adult Education

- Approved for publication in the *New Jersey Register* the fee structure amendments of the Adult Education regulations at *NJAC* 6:30 pursuant to *NJSA* 18A:1-1, 18A:4-15, 18A:7C-1 et seq., 18A:27-2, 18A:48-1, 18A:49-1 through 8, 18A:50-12, 13, and 14, and the Adult Education Act, 20 U.S.C. §§ 1201 et seq.

D. Students At Risk of Not Receiving A Public Education

- Discussed the regulations pertaining to Students at Risk of Not Receiving a Public Education proposed at *NJAC* 6A:17 pursuant to *NJSA* 18A:38-1, 18A:7B-12, 18A:7B-1 et seq., 18A:7F-1 et seq., and No Child Left Behind Act 2001, Public Law 107-110 et seq.

E. Student Transportation

- Discussed the readoption with amendments of the Student Transportation regulations at *NJAC* 6A:27, pursuant to *NJSA* 18A:4-15, 18A:39 et seq.

F. Commissioner's Recognition Of Award Winners

2003-2004 Star Schools

Seven school districts were honored for innovative and effective programs that promote high student achievement. At the annual June recognition ceremony, each of the Star Schools received lapel pins, a certificate, a Governor's Proclamation and a Star School Banner. The seven Star Schools include:

- Clara Barton Elementary School, Cherry Hill School District;
- Frost Elementary School, East Brunswick Township School District;
- Pine Brook Elementary School, Manalapan-Englishtown Regional School District;
- Haskell Elementary School, Wanaque School District;
- Roberto Clemente Elementary School; Patterson School District;
- Early Childhood Center – Hamilton Terry Elementary School, Berkeley Heights School District;
- Union County Magnet High School, Union County Vocational School District;

On behalf of the entire State Board, President Hyndman congratulated the schools for their accomplishments.

Milken Award Recipients

Ms. Theresa Bordo, a 4th grade teacher from Cunningham Elementary School in Vineland and Ms. Jill Stauffer, a kindergarten teacher from George Washington School in Wyckoff were recognized and congratulated as the two Milken Family Foundation National Educator Award Recipients.

NEW BUSINESS

Marie H. Katzenbach School for the Deaf Report

- State Board member Maud Dahme requested a status report on the Marie H. Katzenbach School for the Deaf and the College of New Jersey in the near future.

LEGAL CASES

On motions duly seconded and carried, decisions in the following cases were adopted by the board as presented by legal committee members Kathleen Dietz, John A. Griffith, Roberta Van Anda, and Debra Casha, chairperson.

JOSEPH LOPEZ V. BOARD OF EDUCATION OF THE CITY OF BRIDGETON, CUMBERLAND COUNTY, STATE BOARD DOCKET #46-03

The petitioner, who was employed by the district board as a campus police officer, was suspended without pay in November 2000 after he was arrested on charges of child endangerment. The charges stemmed from an on-going custody dispute between the petitioner and his former wife, and the accusation was made by the petitioner's daughter, a middle school student. The petitioner was indicted in January 2001 by the Cumberland County Grand Jury on a charge of 2nd degree child endangerment. However, in October 2001, the Gloucester County Superior Court dismissed the indictment in its entirety, and the district board reinstated the petitioner to his former position. After the district board denied the petitioner's request for back pay, he filed a petition of appeal with the Commissioner of Education.

The Commissioner concluded that the petitioner was entitled to back pay and emoluments only for the period of his unpaid suspension prior to his indictment. Citing Busler v. Board of Education of the City of East Orange, decided by the Commissioner of Education, August 30, 2001, aff'd, State Board of Education, February 6, 2002, the Commissioner concluded that there was no basis to award back pay under *NJSA* 18A:6-8.3 for the period subsequent to a criminal indictment, regardless of the disposition of the indictment. However, observing that the district board had suspended the petitioner without pay in November 2000, prior to his indictment in January 2001, which is contrary to the language of the statute, the Commissioner directed the district board to compensate the petitioner for his back pay and emoluments due from the date he was suspended in November 2000 until his indictment in January 2001.

The State Board of Education voted unanimously to reverse the determination of the Commissioner to deny the petitioner back pay for the period following his indictment. The State Board stressed that, in contrast to the situation in Busler, in which the denial of the staff member's claim had been predicated in part on the fact that the criminal charges filed against him had been dismissed only after he had completed a pretrial intervention program, the petitioner in this case was totally exonerated of the charges filed against him. Thus, the State Board concluded that fundamental fairness dictated that the petitioner be awarded his back pay and emoluments, less mitigation, for the entire period of his unpaid suspension.

IN THE MATTER OF THE REVOCATION OF THE TEACHING CERTIFICATE OF NICHOLAS MARTIN BY THE STATE BOARD OF EXAMINERS, STATE BOARD DOCKET #8-04

The State Board of Education voted unanimously to affirm the decision of the State Board of Examiners to revoke the respondent's teaching certification as a result of his guilty plea to a charge of lewdness. The State Board agreed that the respondent's offense was of such significance as to warrant revocation of his certification.

O.S., on behalf of minor child, K.S. V. BOARD OF EDUCATION OF THE BOROUGH OF FORT LEE, BERGEN COUNTY AND ANTHONY P. CAVANNA, SUPERINTENDENT, STATE BOARD DOCKET #36-04

The State Board of Education voted unanimously to affirm the decision of the Commissioner of Education to dismiss the petition filed by a parent who challenged the initial grade placement for her daughter, K.S. The petitioner, who had recently relocated to the district from Russia with her daughter, claimed that the district board's determination to place K.S. in sixth grade rather than seventh was arbitrary and capricious. The State Board agreed with the Commissioner that the petitioner had not demonstrated that the district board's action was unreasonable, concurring that it had made a carefully weighed decision based on such factors as the child's age, English language ability, educational opportunities in middle and secondary schools, equivalent grade level in her previous school and country, and her preparation for secondary level honors courses. Thus, the State Board concurred with the Commissioner that the district board's decision to place K.S. in sixth grade made sound educational sense.

ARTI SAHNI V. BOARD OF EDUCATION OF THE CITY OF TRENTON, MERCER COUNTY, STATE BOARD DOCKET #35-04

The State Board of Education affirmed the decision of the Commissioner of Education to dismiss the petition filed by a nontenured teacher who claimed that the district board had failed to provide her with notice, as required by *NJS*A 18A:27-10, that her employment would not be renewed for the 2002-03 school year. The State Board agreed with the Commissioner that the evidence presented by the petitioner was insufficient to rebut the presumption that she had received such notice, which the district board had sent to her by regular and certified mail. Kathleen Dietz abstained.

ADJOURNMENT

On a motion duly seconded and carried the State Board of Education adjourned its November 3, 2004 public meeting at 1:45 p.m.

William L. Librera, Ed.D., Commissioner
Secretary, NJ State Board of Education